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top rail of a fence, facing the redskins assembled in the meadow before him, flanked by a group of young and energetic Indians who were his sworn friends and allies, he dispensed summary justice to the most notorious recent offender. . . . He then proceded [sic] to explain, through a Klamath interpreter, that the old chief, though entitled to all honor and respect for his years of valuable service, had ceased to be an effective officer and should be replaced by a younger and more active man. The new day had arrived, he said, when the Indians were adopting the white man's ways of life, and chief among these was the white man's law, which demanded that justice should be done and order maintained without fear or favor, and which provided for such justice and order by the election of officers who were chosen for their capabilities in performing these duties. He suggested that another meeting be held a week later for the nomination of candidates for head chief of the whole reservation—not only of the Klamaths who owed allegiance to La-Lakes, but also of the Modocs, Paiutes, and Pit Rivers who made their homes on the reservation. The old chief was naturally crestfallen at this procedure, and his relatives and friends grieved, but there seems to have been no attempt at open rebellion against the dicta of the young white leader. . . . Throughout the whole campaign, however, the feeling of personal loyalty to the old sachem was the greatest obstacle to be overcome."[13]

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The election that followed pitted Henry Blow, "a prominent sub-chief under La-Lakes, a man of the finest personal and executive qualities," with support from both Lower End Klamath and the Modoc,[14] against Allen David, "a tall handsome, and popular young brave from the upper country,[15] progressive, well versed in the ways of the white man, from travel among the Willamette settlements," backed not only by Lower End Klamath but by the Upland band and the Paiute as well. Charley Preston was a third nominee, "a man popular on account of his personal qualities and admired for his ability in various industries acquired by residence among the whites, but not possessing the prestige of a sub-chief." Young Applegate seems also to have been proposed, but declined. "There were many at this meeting who deplored the whole procedure in view of their allegiance to the old chief. . . ." At the election which followed, Allen David was elected by a plurality of five.[16] Thus a panreservation polity was established, to which tribal distinctions thereafter were subordinated.

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those Indians who were "ready, competent and willing" to receive lands in severalty, to report such opposition as might be raised, "and . . . endeavor to overcome it by pointing out the advantages of individual ownership."[3]

A month later Emery reported on a council that he had called, at which he and Captain Carpenter had explained the law. "The Indians," he continued, "were then permitted to council among themselves for an hour, when, by the request of the Chiefs and leading men, they were again called together, and requested to be given the privilege to vote—which was given—nearly all present voting in affirmative. The number present was estimated at 600." Later he held another council at Yainax "at which were over 200 Indians, nearly all of whom received favorably the proposition of the Government." At another passage he noted, "no leading Indian opposes the measure."[4] Over 800 names were enrolled for allotment, out of a total of 933.

By the provisions of the act as amended in 1891, each enrolled member was to receive a single allotment, comprising one-eighth of a section (80 acres) of farming land or double the amount of grazing land. Emery termed the Klamath a grazing reservation with a proportion of agricultural to pastoral lands of one to twenty-five; and accordingly requested that double allotments be issued and that all eligible members take turns at selecting the first allotment, repeating by rotation on the second tract. "This," he observed, " will distribute the good land *more equally* among the Indians." Matthews, terming the mountainous portions of the reservation worthless, advocated that after allotment these acres be held in common by the tribe.[5]

The actual allotment of land was delayed several years, pending settlement of a controversy over the external boundaries of the reservation and of the overlapping claims of the California and Oregon Land Company, successor to the Military Road tracts. The Indians grew somewhat restive under the delay, and Matthews found it necessary to warn that "should the Indians be persuaded to give up their surplus lands before they have made improvements upon their allotments I fear there would be much dissatisfaction among them."[6] Only in 1895 did Maj. Charles E. Worden, assisted by Jesse Kirk as interpreter, launch

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with the attorneys. There were some, who nonetheless wanted to submit a petition setting forth their views.[47]

If all who signed the agreement after Jesse Kirk were his adherents, he could count on 121 men against 70 for the proadministration faction.

Domestic issues added weight to discontent. Soon after taking office, Oliver Applegate had set up road districts, each presided over by the policeman within it, and had permitted the police to settle minor differences within their several districts.[48] He had, moreover, apparently reversed the policy of Emery, who had permitted the Indians to elect both police and judges for the reservation. Early in 1900, a group of Klamath, apparently led by Jesse Kirk, became insistent that elections be reinstituted. Applegate was reluctant to accede, since he "felt that an Agents selection of his military force and administrators of justice should not be trammeled by selections which might be the result more of 'political' management than of the honest opinions of the majority." However, he agreed to ask for an opinion from the Commissioner.[49]

Gen. A. C. Hawley was sent to consider the issue, and conducted his investigation largely during Jesse Kirk's absence in Washington. At the end of his tour, Hawley strongly supported the position entertained by Applegate, who observed:

> . . . if at any time this electoral system should become in order, in the selection of the agent's personal assistants and executive force, the time had not yet arrived to put this privilege in the hands of the people. It would increase rather than limit the number of tribal and family feuds and keep alive the numerous personal jealousies which we are endeavoring to stamp out.[50]

The matter, however, was far from settled. Early in 1902, on the eve of Jesse Kirk's departure for Washington to secure ratification of the revised McLaughlin agreement, a petition was prepared by his faction requesting the privilege of being allowed to elect the mooted officers, subject to approval of the U.S. Indian Agent. This document bore 120 signatures, and is in line with estimates of the strength of this faction. The covering letter, by Jesse Kirk, urged in behalf of the Klamath that

> they desire to take steps forward and prepare themselves in citizenship for the years to come, and encourage them into civili-

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> zation only, and not into blankets and long haired Indians in old custom. But to encourage them in education as well as christianity, which will enable them to be a civilized people.

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He cited the industry of the Klamath, claiming that they were self-sustaining through such enterprises as stock raising and laboring. The concession of a safeguard in elections may have been his, for he stressed that election of officers must be confirmed not only by the Agent but by the Secretary of the Interior. The Commissioner simply forwarded the documents to Applegate,[51] who, as if to point up the grievances, had just named three new judges.[52]

The actions of the Agent—now retitled Superintendent—in the investigation of the death of one George Modoc brought into the fray that educated gadfly, Charles S. Hood. A Carlisle graduate and leader of the returned Modoc, Hood took an interest in the case when Grant Smith, a fellow tribesman, was held on suspicion of having had a hand in the death. Some four months later, Hood wrote Applegate urging that Smith be released to look after his family and stock, with the understanding that Smith would come back to stand trial. Apparently rebuffed, Hood then wrote to the U.S. Attorney in Portland, who sternly demanded of Applegate, "Will you please inform me by what process or authority he is confined in jail, and whether or not in your judgment if [he] is liberated he will run away." Stung, the Superintendent denied that statement and claimed that Smith had been on parole most of the time so that he could look after his affairs.[53] The attacks upon him seem to have driven Applegate toward a more extreme position, as reflected in his recourse for local cases to police courts instead of the less subordinate Court of Indian Offenses.[54]

In 1904, the pace quickened. Through the early part of the year, Knott C. Egbert found Henry Jackson ungovernable. In April, Jesse Kirk, once more in Washington, directed a letter to Commissioner Jones. It was transmitted by Oregon's Senators Mitchell and Fulton and Representative Williamson, with these words:

> We have every confidence in Mr. Kirk, and we are sure he would made no recommendations that he did not feel were fully justified, and we are also aware of the fact that the Indians of

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the Agency, in the main, have implicit confidence in him, or they would not send him here each year as their agent to look after their interests."

In his letter, Kirk once more called for elections, stating, "The present manner of selection does not result in securing the services of the best men. . . ." He was instructed, he said, to suggest and request that an election be held on the fifth of July when the tribe in council might make its selection, and further proposed

> that you instruct your Superintendent to be guided by such selection in the appointment of persons to fill these offices; these appointments by the Superintendent, of course, to be ratified and approved by you. This in order that, should our selection be ignored by the Superintendent, we may have the opportunity of being heard by you."

This bold typescript letter, its flowing style so unlike Jesse Kirk's, bears every earmark of expert assistance. The source of that aid, either legal or legislative, is suggested by the circumstance that the next letter, to Applegate, was forwarded by the congressional trio with a covering letter dated the same day. The Kirk epistle set forth the same demands for an election, but did not mention an appeal to the Commissioner. In their covering letter, Mitchell and his colleagues observed, "Mr. Kirk seems to be very strongly of the opinion that the plans suggested in this communication should be adopted," and they urged that Applegate give it "very careful consideration."[57]

On his return, Jesse Kirk set about a direct assult upon the Superintendent. First came a letter from the "Delegate and Agent of the Klamath, Modoc, and Yahooskin band of Snake Indians" to the Commissioner, charging that livestock were permitted to trespass upon the reservation and that O. C. Applegate and his stockman and chief of police, George W. Loosley, "systematically" ignored and suppressed complaints on the subject. Loosley, it was charged, continually evaded his duty and "loiters indolently his time away at the agency. . . ." Jesse Kirk, for his part, wanted no white cattle at all upon the reservation. This letter, together with that written earlier to the commissioner on the elections, was buttressed by two petitions circulated together, bearing 184 and 183 signatures, each certified by nine men, Jesse

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Although tribal members in Chiloquin lagged little behind their white neighbors in registering to vote (1958), their concern was less with local than with national issues.[9]

A second aspect of Indian citizenship was the support of local government through payment of taxes. Since all property held in trust or restricted status by the government, together with income derived from such property, was exempt from taxation, many tribal members occupied an unusual position among their fellow citizens. The effect was particularly felt by the county and local communities, which were heavily dependent upon property taxes. For years, Klamath County sought to secure funds from the government to compensate it for the trust lands within its boundaries, which were served by county roads, sheriffs, courts, and schools. Johnson-O'Malley funds finally provided money in lieu of taxes to support the schools; to these the Klamath Tribe on occasion added funds for special purposes, but the other causes were unavailing.

In Chiloquin, officials resented the action of one Superintendent, who advised tribal residents that any property bought within the city with funds in trust or restricted status might be restored to corresponding status, even though it had been owned in fee simple when purchased. Such house lots were thus removed from the tax rolls and, although benefited by sewers and other municipal improvements, could not be levied for their support. It was not commonly recognized by white citizens of Chiloquin that a number of tribal members paid taxes regularly upon property held in fee simple and that a multitude of indirect taxes fell as heavily upon tribal consumers as upon their fellow citizens. Rather, the image was that of a people exempt from financial responsibility toward the support of local institutions from which they benefited. Though a distortion, like many other parts of the stereotype, this evaluation nonetheless contained a substantial kernel of truth.

If truth be told, the citizens of Chiloquin were no more disposed to pay taxes than American citizens anywhere, and indeed they were somewhat less inclined to do so than those elsewhere in Oregon. In 1951-52, the millage rates of Chiloquin were by far the lowest among the organized communities of Klamath

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In turn, by appropriate vote
*648 *659 642 646 [666] within ninety days, the General Council might—and on occasion did—reverse the action of its Executive Committee. Finally, by a petition of at least one-fourth of the eligible voters, an action of the General Council might be submitted to a referendum of tribal members.[3]

In the succession of tribal bodies, the interest of the government was not solely the convenience of securing formal sanction in property matters concerning the common interest of enrolled [182] members. The tribal government was to provide as well a regular channel by which the government might assess tribal opinion, consult with leaders, and announce programs; and it was to furnish tribal members with experience in responsible citizenship. Through this instrument, a representative body was to be articulated with Bureau administration, its decisions being rendered concrete in official minutes and subjected to review by higher administrative echelons.

Tribal rule is municipal in character, as seen in the restricted scope of its powers.[4] The narrow administrative domain with which the Klamath executive dealt is suggested by the names of the permanent adjuncts of the Executive Committee, the Tribal Loan Board and the Enrollment Committee. In 1947, some fifteen tribal members and one other were employed in General Council and Loan Board activities. By contrast, the Superintendent employed 123 persons, including 31 tribal members and 40 Indians from other groups, in the administration of agency, health, extension, law and order, roads, forestry and grazing, and irrigation.[5] Over these areas the Executive Committee might exercise a veto by cutting from the proposed Agency budget tribal funds allocated to an unwanted item. In this way, the hospital, bull pool, and tribal herd have occasionally been threatened. Ordinarily, however, the Executive Committee took no positive action in the development of a budget. Understandably, Klamath efforts to appoint a tribal member to serve as watchdog over Agency administration were not kindly received.

[693] In the formulation of general policy, the executive drew upon the advice of the tribal attorney, as well as upon unofficial counsel, both sought and volunteered. All major policy decisions required approval by the General Council and were subject to review within the Bureau of Indian Affairs and the Department

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might be exploited instrumentally to broaden the base of appeal. Other devices entailed the manipulation of particularistic loyalties. Politicians from the less populous and ethnically more diverse Upper End endeavored to retain districting, whereby the members of the executive body were elected in equal numbers by each End; and they also sought to preserve communal representation, which ensured that each of the traditional subtribal groups, Pit River and Paiute, as well as Modoc and Klamath, would find a place in that body. These measures were opposed as a matter of course by Crawford, the Lower End leader; but it was he in turn who had been responsible for the election in 1927 in which only the Lower End took part, thus creating a second tribal council and precipitating the Bureau's demand for a tribal constitution.

The tactics employed to control voting were diverse. In general elections, Jackson favored restriction of voting to polling places located on the reservation, against attempts by his rival to secure absentee balloting, a measure that would swell the response from his off-reservation constituency. For General Council meetings, Jackson sought to continue the practice of alternating their site between the Ends, and for those held at the Agency he provided stages at tribal expense to transport members from the Upper End.

Seating within the General Council was conventionally by faction, a device that provided an easy check upon voting regularity, although the chairs along the wall afforded a retreat for the less partisan. Jackson further favored a standing vote,[12] while Crawford, particularly while he was out of power, called instead for a secret ballot. Each side on occasion exercised the boycott to prevent the mustering of a quorum when the issue was likely to go against it,[13] and Crawford also resorted to the filibuster, under cover of which his forces might withdraw in order to attain the same end. Each also strove, when he no longer controlled the executive body, to route business instead through the General Council.

In the recruitment of a following, leaders found many occasions to render personal services, appointing the faithful to tribal positions, serving as advocate in their favor, sponsoring the enrollment of their children as tribal members, or advancing them

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*648 *657 646 619 in the Klamath language.[15] In this setting, the chairman and principal leaders sought with great difficulty to operate under Robert's Rules of Order. Council minutes record numerous instances in which many of those present cast no vote.

In this, as in other political contexts, the observer could sense what some members admitted readily: a reluctance to commit themselves to decisions that might lead to dangerous consequences on either side. As in their dealings with the Agency, individuals accepted as a right what those controlling the executive had to offer, and declined to be bound thereby. Factional charge and innuendo had so sapped confidence in the Klamath leadership that interviews conducted in the course of termination revealed that all but one of the respondents (118 in all) favored a management plan administered by unknown trustees over an organization headed by their own members.[16]

It was not, however, factionalism alone that was at the root [178] of the uncertainty. The long dependence of individuals upon per capitas, and the corresponding lack of experience in pursuing a livelihood, understandably enough made many wary of any change that might threaten the economic niche in which they dwelt. Moreover, on many of the more complex issues involving property their very lack of experience made them easily swayed • [666] by irrelevancies. Not infrequently, Seldon Kirk, when presiding over a vote of the General Council, would query, "I wonder how many of you know what you were voting for?"—and, calling for a reballoting, would see the issue solidly reversed.

*648 *657 619 If they were uncertain in the exercise of their power, tribal members nonetheless felt a strong need to display it. Real and fancied acts of coercion had left a legacy of alienation, to which the impersonal bureaucratic operation of the Agency only added. In a span during which tribal membership had done little more than double, the Agency staff had swelled from an early 5 members to an ultimate figure of 139, some twenty-five times as great. With expansion, the Agency program had become compartmentalized, each division taking on a life of its own and growing endlessly ramified. Bureaucratization, together with the frequent turnover in the upper echelons of administration, led to increasing impersonalization of relations. Subtly, the training of Klamath

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*648 *657 619 423 665 members of the Discussion Group remained influential. More significantly, perhaps, for the long run, they began to employ their newfound unity in fund-raising enterprises in Chiloquin, and thus took an initial step in creating a new civic image for the Klamath.

*648 *657 619 • 666 423 When the vote was held, over seventy per cent of the tribal membership elected to withdraw, the government purchasing their land and creating from it the Winema National Forest. Of the other voters, the majority did not directly elect to enter into the trust under which the U.S. National Bank has since been managing their joint resources. In this last decisive moment, they returned no ballot at all, and thus were automatically included among the remaining members. The outcome of the vote was in part an expression of confidence among the Klamath in their ability to handle their own affairs, in a measure a rejection of any continued trust status, colored with the anticipation of realizing a large sum—approximately $43,500 per person. However, so complex were the issues and so heavily were they beclouded at the time of voting by contending claims and interpretations, that it is doubtful whether many members could in fact specify all the considerations which guided their final decision.

668 In the period since the enactment of termination in 1954, the Klamath became increasingly receptive toward inclusion within the broader rubric of what Mead has termed "American Indian nationality," and have begun to participate in pan-Indian affairs.[23] Membership in the National Congress of American Indians, participation in American Indian Days at Sheridan, Wyoming,[24] sponsorship of the All-Indian Invitational Basketball Tournament in Chiloquin and of an American Indian Beauty contest held in conjunction with it: these were only some of the more concrete manifestations. Although pan-Indianism has been growing, the receptivity on the part of the Klamath seems keyed to their needs in the crisis that confronted them. Threatened with the loss of the tribal body that had symbolized their collective heritage, they repaired to others which enabled them to preserve their identity. Those who would see the termination vote as an election by the majority of tribal members to become completely assimilated into the larger society must reckon in the significance of this neo-nativist movement.

White ethnic exclusiveness is reflected in minimal Klamath participation in formal organizations, lodges, political groups, scouts, and various clubs. Elite groups such as the Masons are exclusively White, while the elite Methodist church contains a single Klamath member. In the century of contact few Klamath have held elective office outside the tribal structure, and although a high percentage have registered, very few vote in local, state, or national elections. The dual structure of local communities is best reflected in the sharp division of networks of friendships and home visiting, White on the one hand, Klamath on the other. Clearly, the place and role of the Klamath is a special one.

Their special status has numerous implications. For years, to obtain their drinking liquor the Klamath had to turn to bootleggers, a legal disability which was removed only in 1951. Local law enforcement has sometimes been difficult due to dual or conflicting jurisdictions, and jurisdiction over major crimes committed by Klamath was given over to the state of Oregon in 1953. The land holdings of Klamath property owners, because of their special status, are frequently tax exempt, as have been their per capita payments. Simultaneously, the Klamath have exhibited little constructive concern with local affairs. As was noted, their contribution to the community takes a special form. In Chiloquin during a typical year arrests of tribal members amounted to 70 percent of the total, and they also paid 70 percent of all fines and forfeited bails and performed 96 percent of all trustee labor (Stern & Swanson 1960). The wardship status has, however, suffered gradual attrition, and in 1954 the passage of Public Law 587 began the final termination of federal supervision of the tribe, and the dissolution of the reservation.

Under PL 587 the Klamath were allowed the choice of remaining within a reconstituted "Klamath Tribe," with a corporate structure and assets to be administered by a trustee, or they had the choice of withdrawing and of receiving a pro rata share of tribal assets. In a later election, about 77 percent of the membership elected the latter, and chose to withdraw. However, the control of the new "tribe's" assets and the fact that many persons who withdrew have been designated as "in need of assistance" indicates that although federal supervision has been ended, the control and intervention of Whites has not.

The separation of Whites and Klamath in local communities is by no means entirely due to White attitudes of exclusiveness or to overt discrimination. Individual Klamath have shown an equally noncommittal relationship to tribal affairs. Attendance at tribal meetings has been very low in spite of numerous inducements such as free bar-b-ques. In General Council meetings (and tribal affairs, generally) the conduct of business is marked by extensive and endemic factionalism, delays, repetitious debate, failure to resolve or even to state issues, and pointless, lingering sessions. Here is one place, outside of the telling of a ripe but dirty joke, that one may hear the Klamath language used; but it is used as a tool to beat down an opposing tribal member who does not understand it. Though the General Council and the Tribe are symbolic of a corporate separateness and of a Klamath identity, this minimal participation and the distrust of the ability of tribal leaders to manage the tribe's resources weakens them as systems of action.

Klamath families are another important locus of loyalty and identification. The household or domestic group itself averages about four members, but there are many single male households and many domestic groups headed by women. The latter is symptomatic of the instability of the marriage tie. Marriage, in the legal sense, is itself approximated in frequency by common-law unions and more temporary "shack-jobs." Probably one-third of all Klamath women have